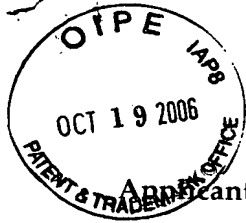


10-20-06

DAF  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Inglese, Pat	)	Docket:	21480-RA
Serial No.:	10/722,153	)	Examiner:	Hylton, Robin A.
Filed:	November 25, 2003	)	Group Art Unit:	3727
		)		

For: WET (PLASTIC) AND DRY CONCRETE RECLAMATION/DISPOSAL DEVICE

Dated: October 19, 2006

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

PETITION TO REVIVE ABANDONED APPLICATION  
UNDER THE PROVISIONS OF 37 C.F.R. 1.137(B)

Dear Sir:

Applicant, by and through his undersigned attorney, respectfully petitions the Commissioner of Patents and Trademarks to revive the above-identified application under the provisions of 37 C.F.R. 1.137(b) on the ground that as to Applicant, as the party holding interest in the above application, the abandonment of said application was completely unintentional, and without his authorization. This Petition is supported by the affidavits of the undersigned, and of Pat Inglese, Applicant.

While it is appreciated that the above application stands abandoned, the abandonment was unintentional in that Office papers relating to the abandonment apparently were mislaid or inadvertently overlooked, and the situation only recently has come to light. Immediately upon the realization of the situation, the undersigned was requested by Applicant to prepare and file this Petition and documents responsive to the final Office Action. It is respectfully noted that applicant had every incentive to continue prosecution of the application, and intended to do so, in that the Examiner had found potentially allowable subject matter, as set forth in Para. 9 of the USPTO Action mailed Nov. 16, 2005.

Accordingly, it is respectfully submitted that the entire delay in filing the required reply from the due date for the reply until the filing of the instant Petition pursuant to 37 C.F.R. 1.137(b) was unintentional. 37 C.F.R. 1.137(b)(3).

It is respectfully requested, therefore, that on the basis described above, the abandonment should be held to be inadvertent and unintentional, the enclosed Request for Continuing Examination (RCE) should be entered, and the case revived.

The petition fee in the sum required under 37 C.F.R. § 1.17(m) for a small entity is enclosed herewith (small entity status remains appropriate and is hereby reaffirmed).

10/23/2006 HDEMESS1 00000030 10722153

- 1 -

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750.00 OP

Respectfully submitted, this 19<sup>th</sup> day of October, 2006,

  
Barry E. Kaplan, Esq.  
Reg. No. 38,934  
Email: bkaplan@mkiplaw.com

MYERS & KAPLAN,  
INTELLECTUAL PROPERTY LAW, L.L.C.  
1899 Powers Ferry Road  
Suite 310  
Atlanta, GA 30339  
Phone: (770) 541-7444  
Fax: (770) 541-7448

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as:

Express Mail - Label No.: EV798345444 US

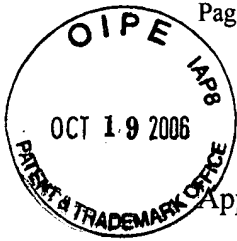
in an envelope addressed to: Mail Stop Petition, Commissioner  
of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the  
19th day of October, 2006.

Barry E. Kaplan  
(Name of Person Mailing)

  
(Signature of Person Mailing)

October 19, 2006  
(Date)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant:	Inglese, Pat	)	Docket:	21480-RA
		)		
Serial No.:	10/722,153	)	Examiner:	Hylton, Robin
A.		)		
Filed:	November 25, 2003	)	Group Art Unit:	3727
		)		

For: WET (PLASTIC) AND DRY CONCRETE  
RECLAMATION/DISPOSAL DEVICE

**PETITION TO REVIVE, REQUEST FOR CONTINUED EXAMINATION,  
REPLY AND AMENDMENT**

Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

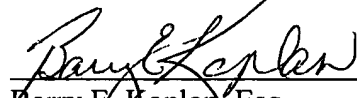
October 19, 2006

Dear Sir:

Responsive to the Advisory Action mailed June 6, 2006, in the above-styled patent application, please find enclosed a *Request for Continued Examination Transmittal*; a *Response to Office Action and Amendment*; a *Petition to Revive Abandoned Application*; an *Attorney's Affidavit In Support of Petition...*; an *Applicant's Affidavit In Support Of Petition...*, and all fees associated therewith.

Examiner is invited to telephone Applicant's undersigned attorney should there be any questions.

Respectfully submitted,

  
Barry E. Kaplan, Esq.  
Reg. No. 38,934

Myers & Kaplan  
Intellectual Property Law, L.L.C.  
1899 Powers Ferry Road  
Suite 310  
Atlanta, GA 30339  
(770) 541-7444  
(770) 541-7448 facsimile  
Email -- [bkaplan@mkiplaw.com](mailto:bkaplan@mkiplaw.com)  
Attorney Docket Number: 21480-RA

CERTIFICATE OF EXPRESS MAILING

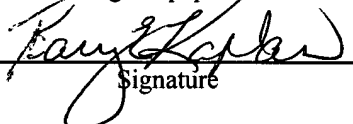
I hereby certify that this correspondence, along  
with any papers referred to therein as being attached  
or enclosed therewith, is being deposited with the  
United States Postal Service with sufficient postage  
as Express Mail, No. US 798345444US, in an envelope addressed  
to Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA, 22313-1450 on:

October 19, 2006

(Date)

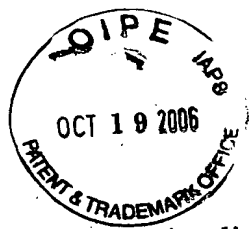
Barry E. Kaplan

Name of the person  
mailing the paper or fee

  
Signature

October 19, 2006

(Date)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Inglese, Pat	)	Docket:	21480-RA
		)		
Serial No.:	10/722,153	)	Examiner:	Hylton, Robin A.
		)		
Filed:	November 25, 2003	)	Group Art Unit:	3727
		)		

For: WET (PLASTIC) AND DRY CONCRETE RECLAMATION/DISPOSAL DEVICE

Dated: October 19, 2006

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

ATTORNEY'S AFFIDAVIT IN SUPPORT OF  
PETITION TO REVIVE ABANDONED APPLICATION  
UNDER THE PROVISIONS OF 37 C.F.R. 1.137(B)

Dear Sir:

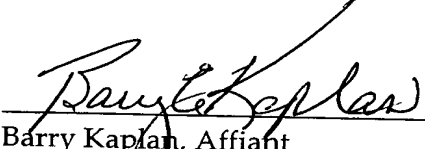
Comes now Barry Kaplan, a counsel of record in the above-styled matter, who being first duly sworn on oath before me on the date set forth hereinbelow, states as follows:

1. My name is Barry Kaplan. I am over the age of eighteen years and am fully competent to testify in all matters pending before the United States Patent and Trademark Office in connection with the above-styled application for letters patent for the above-styled invention entitled, Wet (Plastic) And Dry Concrete Reclamation/Disposal Device. My USPTO registration number is 38,934.
2. I have first-hand knowledge of each of the statements contained in this Affidavit.
3. I have herewith respectfully petitioned the Commissioner for Patents to revive the above-identified application under the provisions of 37 C.F.R. 1.137(b) on the ground that as to the applicant, as the party holding interest in the above application, the abandonment of said application was completely unintentional, and without his authorization.
4. I hereby respectfully state and aver that the abandonment was completely unintentional, in that Office papers relating to the abandonment apparently were

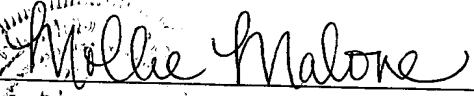
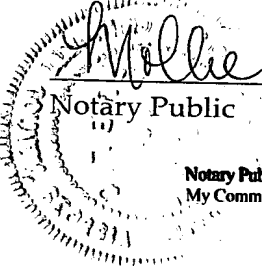
mislaidd or inadvertently overlooked, and the situation only recently has come to light.

5. Upon the realization of the situation, I conferred with the applicant, who requested me to prepare and file a petition to revive his application, along with documents responsive to the final Office Action.
6. On my part, I respectfully state and aver that the entire delay in filing the required reply from the due date for the reply until the filing of the Petition pursuant to 37 C.F.R. 1.137(b) was unintentional. It is respectfully noted that the undersigned and the applicant had every incentive to continue prosecution of the application, and intended to do so, in that the Examiner had found potentially allowable subject matter, as set forth in Para. 9 of the USPTO Action mailed Nov. 16, 2005.
7. I respectfully request and petition the Commissioner for Patents to hold the abandonment inadvertent and unintentional on my part and on the part of the applicant, to enter the enclosed Request for Continuing Examination (RCE), and to revive applicant's above-identified application.
8. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any Patent issuing thereon.

Further Affiant Sayeth Not.

  
Barry Kaplan, Affiant

Sworn to and subscribed before me,  
this 19 day of October, 2006.

  
Notary Public  
  
Notary Public, Owinnett County, GA  
My Commission Expires January 22, 2010



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Inglese, Pat	)	Docket:	21480-RA
		)		
Serial No.:	10/722,153	)	Examiner:	Hylton, Robin A.
		)		
Filed:	November 25, 2003	)	Group Art Unit:	3727
		)		

For: WET (PLASTIC) AND DRY CONCRETE RECLAMATION/DISPOSAL DEVICE

Dated: October 19, 2006

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICANT'S AFFIDAVIT IN SUPPORT OF  
PETITION TO REVIVE ABANDONED APPLICATION  
UNDER THE PROVISIONS OF 37 C.F.R. 1.137(B)

Dear Sir:

Comes now Pat Inglese, applicant in the above-styled matter, who being first duly sworn on oath before me on the date set forth hereinbelow, states as follows:

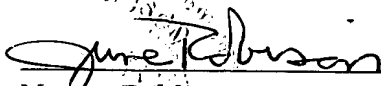
1. My name is Pat Inglese. I am over the age of eighteen years and am fully competent to testify in all matters pending before the United States Patent and Trademark Office in connection with the above-styled application for letters patent for my above-identified invention entitled, Wet (Plastic) And Dry Concrete Reclamation/Disposal Device.
2. I have first-hand knowledge of each of the statements contained in this Affidavit.
3. I have herewith respectfully petitioned the Commissioner for Patents to revive the above-identified application under the provisions of 37 C.F.R. 1.137(b) on the ground that as to myself, as the party holding interest in the above application, the abandonment of said application was completely unintentional, and without my authorization.
4. I hereby respectfully state and aver that the abandonment was completely unintentional in that the situation only recently has been brought to my attention.

5. Upon the realization of the situation, I conferred with my attorney, and immediately requested him to prepare and file a petition to revive my application, along with documents responsive to the final Office Action.
6. On my part, I respectfully state and aver that the entire delay in filing the required reply from the due date for the reply until the filing of the Petition pursuant to 37 C.F.R. 1.137(b) was unintentional. It is respectfully noted that I had every incentive to continue prosecution of the application, and intended to do so, in that the Examiner had found potentially allowable subject matter, as set forth in Para. 9 of the USPTO Action mailed Nov. 16, 2005.
7. I respectfully request and petition the Commissioner for Patents to hold the abandonment inadvertent and unintentional on my part, to enter the enclosed Request for Continuing Examination (RCE), and to revive my above-identified application.
8. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any Patent issuing thereon.

**Further Affiant Sayeth Not.**

  
Pat Inglese, Applicant, Affiant

Sworn to and subscribed before me,  
this 19 day of Oct, 2006.

  
Notary Public